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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,869	12/03/2003	Gabe Tomassoni	2224-00500	5423
23505	7590	04/19/2006		EXAMINER
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			ENGLISH, EVAN JAMES	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/726,869	TOMASSONI, GABE
	<b>Examiner</b>	<b>Art Unit</b>
	Evan English	3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 December 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/8/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "59" and "59a" have both been used to designate the integral curved member. Also, reference characters "53" and "59b" have both been used to designate the shield. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner assumes that the term "equal" should read as

"substantially equal" as the device would be inoperable if the packing arm had exactly the same width as the housing.

***Claim Rejections - 35 USC § 102***

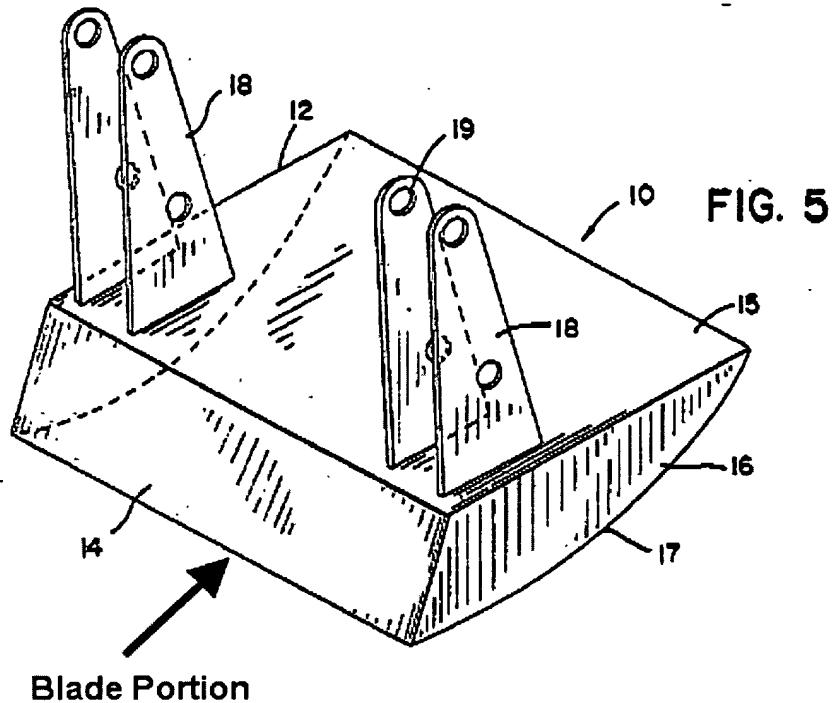
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 and 4-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Thobe (US 5,324,161).

With respect to claim 1, Thobe discloses a refuse collection system 1 for use in combination with a transport vehicle 55. The system includes a housing having a collection hopper 3 at its first end with an opening 6 and a storage compartment 50 at its second end. The system also includes a packing arm 10 movable front and rearwards within the housing (combination of side walls 5 and bottom wall 8) and having a blade portion (see figure below). The packing arm 10 is movable along a generally arcuate path from a rest position behind the and to an extended position forward of the collection hopper, the path of travel of the blade portion passing over the collection hopper to sweep refuse from the collection hopper in to the storage compartment 50 (see Fig 2).



With respect to claim 2, Thobe discloses that the housing is attached to a transport vehicle (see Fig 1).

With respect to claim 4, Thobe discloses that the opening 6 is in the top of the housing (see Fig 2).

With respect to claim 5, Thobe discloses that the collection hopper 3 has a generally arcuate floor 9 that closely tracks the path of the blade portion (see Fig 2).

With respect to claim 6, Thobe discloses that the packing arm 10 is substantially equal to the width of the housing (see Fig 4).

With respect to claim 7, Thobe discloses that the packing arm 10 has an integral curved member 16 & 17 (see Fig 5).

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With respect to claim 8, Thobe discloses that the blade portion has minimal clearance with the floor of the housing at the rest position and closely tracks the floor 9 of the housing as the packing arm 10 moves along the generally arcuate path through to its extended position (see Fig 2 and column 1, lines 55-64).

With respect to claim 9, Thobe discloses that the blade portion and the integral curved member 16 & 17 form a single integral unit (see Fig 5 and above figure).

With respect to claim 10, Thobe discloses that a shield portion 15 connect the blade portion to the integral curved member 16 & 17 (see Fig 5 and above figure).

With respect to claim 11, Thobe discloses that blade portion, the integral curved member 16 & 17 and the shield portion 15 are formed into a single integral unit (see Fig 5 and above figure).

With respect to claim 12, Thobe discloses that the blade portion has a face 14 that is slanted such that an angle between the side of the blade face that engages refuse and the floor of the collection hopper is greater than 90 degrees (see Fig 2).

With respect to claim 13, Thobe discloses a blade face that can be altered so as to vary the angle between the blade face and the floor of the collection hopper (see Fig 5).

With respect to claim 14, Thobe discloses a packing arm that is pivotally suspended within the collection hopper (see pivot connection 20 on Fig 2).

6. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Gollnick (US 4,260,316). Gollnick discloses a refuse collection system for use in combination with a transport vehicle. The system includes a housing having a collection

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hopper 18 at its first end with an opening 42 and a storage compartment 14 at its second end. The system also includes a packing arm 20 movable front and rearwards within the housing and having a blade portion 46. The packing arm 20 is movable along a generally arcuate path from a rest position behind the and to an extended position forward of the collection hopper, the path of travel of the blade portion passing over the collection hopper to sweep refuse from the collection hopper in to the storage compartment 14 (see Fig 2).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thobe.

With respect to claim 15, Thobe discloses a packing arm 10 that is pivotally suspended (on pivot axis 20) by a pair of bars 18 that extend through the side of the collection hopper 3 and through an aperture in the packing arm 10 (see Figs 3-5). Thobe does not disclose that a single bar extends through a side of the collection hopper, through an aperture in the packing arm, and then through the other side of the collection hopper. Having a single bar extend through the entire assembly would allow great support for the packing arm.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mounting bars as taught by Thobe in to one single bar in order to provide for greater packing arm support.

With respect to claim 16, Thobe discloses that bearings 19 are attached to the packing arm pivot axis 20 and the packing arm 10 is pivotally suspended by a pair of bars 18 that engages the bearings 19 and the bar extends from a first bearing housing, through an aperture in the packing arm and then to a second bearing housing (see Figs 3-5). Thobe does not disclose that the bearings or bearing housings are directly attached to the top of the collection hopper. Having the bearings or bearing housings attached directly to the top of the collection hopper would allow a more stable support of the packing arm.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have attached the bearings as taught by Thobe to the top of the collection hopper in order to allow a more stable support of the packing arm.

9. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thobe in view of Schiller (US 4,113,125).

With respect to claim 17, Thobe discloses a storage compartment. Thobe does not disclose that the storage compartment is divided in to two or more sub-compartments.

Schiller discloses a refuse collection system where the storage compartment 6 that is divided in to two or more sub-compartments 48, 49, & 50. Schiller further discloses that having a sub-divided storage compartment allows for a collection of

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refuse in a shorter time and thereby reducing cost (see column 1, last paragraph and on in to column 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the sub-divided storage compartment as taught by Schiller to the refuse collection system of Thobe in order to reduce collection times and thereby reduce costs.

With respect to claim 18, Thobe does not disclose that the storage compartment can be sub-divided or that the sub-divisions can be varied.

Schiller discloses that the sub-compartments 48,49, & 50 can be varied in size (see column 5, lines 5-14). Schiller further discloses that allowing the sub-compartments to be varied in size would allow adaptation of the refuse collection system for varying refuse makeup and/or to suit a variation in the quantity of individual groups of waste materials (see column 2, lines 49-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the variable storage compartments as taught by Schiller to the refuse collection system of Thobe in order to allow for varying refuse makeup and/or to suit a variation in the quantity of individual groups of waste materials.

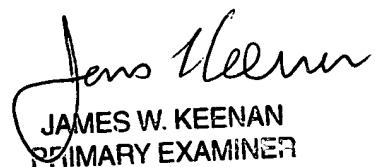
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan English whose

telephone number is (571) 272-8971. The examiner can normally be reached on 8:30 a.m. to 5:00 p.m., Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JAMES W. KEENAN  
PRIMARY EXAMINER

ESE  
7/17/06